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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,699	01/22/2004	Yu Xu	30020369 US-02	5251
7590	12/13/2006			EXAMINER PAYNE, DAVID C
Paul D. Greeley, Esq. Ohlandt, Greeley, Ruggiero & Perle, L.L.P. 10th Floor One Landmark Square Stamford, CT 06901-2682			ART UNIT 2613	PAPER NUMBER

DATE MAILED: 12/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/762,699	XU, YU
	<b>Examiner</b>	<b>Art Unit</b>
	David C. Payne	2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 22 January 2004.

2a)  This action is FINAL. 2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-10 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1 and 6 is/are rejected.  
7)  Claim(s) 2-5 and 7-10 is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 22 January 2004 is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date. \_\_\_\_ .  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_ . 5)  Notice of Informal Patent Application  
6)  Other: \_\_\_\_ .

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Bogdam et al US 5617238 A (Bogdam).

Re claims 1 and 6, Bogdam disclosed,

Subroutine A Receiver Sensitivity

1) Set DUT voltage for the measurements 2) Set switches for receiver measurement  
3) Set BER transmitter for square wave 4) Set scope to receiver channels 5) Set receiver channel range and offset 6) Trigger on waveform 7) Set Scope Time Base and Delay 8) Set scope to acquire average mode - 2 averages 9) Get the lower and upper receiver waveform voltages 10) Set switches for receiver measurement with CLOCK1 sync 11) Set BER transmitter for pseudo random pattern 12) Set BER receiver for pseudo random pattern 13) Set scope to acquire normal mode 14) Trigger on BER clock 15) Set Receiver Threshold to 0.0 volts 16) Set power meter units for dB 17) Set power meter reference for receiver measurement 18) Set power meter trigger for triggered mode 19) Measure Window width and power setting -

Center is in RxWindowCen 19a) Set Measure Period 19b) Set Delay Generator 19c)  
Set Receiver Estimated Laser power output level 19d) Decrement power until  
receiver threshold is found 19e) Get the size of the window 19e-1) Set Measure  
Period 19e-2) Set Delay Generator to estimated upper edge of window 19e-3)  
Increment delay until errors occur 19e-4) Set Delay Generator to estimated lower  
edge of window 19e-5) Decrement delay until errors occur 19e-6) Save the delay  
times 19f) Calculate and save size of window and center of window 20) Set delay to  
.7 ns from center of window 21) Adjust power level for BER between 1E-7 and 1E-8  
21a) Set Measure Period for 1 second 21b) Do coarse adjustment 21c) Check bit  
error rate 21d) Get second bit error rate 21e) Check bit error rate 21f) Estimate  
power level for desired bit error rate 21g) Do fine adjustment 22) Determine the 3  
power levels to use 23) Save power levels for +-0.7 ns tests 24) Set Measure Period  
for 2 seconds 25) Measure Bit Error Rate for all three power levels 26) Calculate  
best fit and extrapolate to BER 1E-15 27) Add the penalty for not using 4:1 extinction  
ratio 28) Get Correlation and Slope values 29) Check Sensitivity for  
PASSED/FAILED 30) Set delay to +.7 ns from center of window 31) Adjust power  
level for BER between 1E-7 and 1E-8 31a) Set Measure Period for 1 second 31b)  
Do coarse adjustment 31c) Check bit error rate 31d) Get second bit error rate 31e)  
Check bit error rate 31f) Estimate power level for desired bit error rate 31g) Do fine  
adjustment 32) Determine the 3 power levels to use 33) Set Measure Period for 2  
seconds 34) Measure Bit Error Rate for all three power levels 35) Calculate best fit  
and extrapolate to BER 1E-15 36) Add the penalty for not using 4:1 extinction ratio

37) Get Correlation and Slope values 38) Check Sensitivity for PASSED/FAILED Col  
25 lines 20-67.

***Allowable Subject Matter***

3. Claims 2-5 and 7-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David C. Payne whose telephone number is (571) 272-3024. The examiner can normally be reached on M-F, 7:00a - 4:30p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (571) 272-3022. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dcp

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